

REMARKS

Claims 1-20 are pending in this application. Claims 1, 6, 11, and 16 are independent.

The title is objected to as not sufficiently descriptive. The title is amended to address the Examiner's noted concern.

The specification is objected to as requiring updating of the related application information. The specification is amended to update the related application information and thereby address the Examiner's noted concern.

Claims 1-20 stand provisionally rejected under 35 USC §101 for double patenting of the invention recited in claims 1-7, 11, 13-15, 19-31 and 35-50 of co-pending application 09/010,193. The provisional rejection is respectfully traversed.

Each of claims 1-7, 11, 13-15, 19-31 and 35-50 of the co-pending '193 application requires respective sets of payment requests. The present claims 1-20 lack any recitation of and hence do not require that payment requests be in respective sets. Accordingly, the present application and the '193 application are directed to different inventions.

Claims 1-20 stand provisionally rejected under 35 USC §101 for double patenting of the invention recited in claims 1-28 of co-pending application 08/994,047. The provisional rejection is respectfully traversed.

Each of claims 1-9 and 11-21 of the co-pending '047 application requires processing payment information, other than or excluding a zip code, to identify a zip code and locating a payee record having a zip code corresponding to the identified zip code. The present claims 1-20 lack any recitation of and hence do not require processing payment information, other than or excluding a zip code, to identify a zip code and locating a payee record having a zip code corresponding to such an

identified zip code. Accordingly, the present application and claims 1-9 and 11-21 of the '047 application are directed to different inventions.

The present claims 1-20 required that an account number be processed to select or identify one of a plurality of remittance centers associated with one payee (see independent claims 1, 6, 11 and 16). Claims 10, 22-23 and 25-28 of the co-pending '047 application lack any recitation of and hence do not require such processing of an account number. Accordingly, the present application and claims 10, 22-23 and 25-28 of the '047 application are directed to different inventions.

Claim 24 of the co-pending '047 application requires, *inter alia*, (i) processing payment information to produce a zip code and locating a payee record corresponding to that zip code, (ii) altering an account number according to alteration rules, (iii) processing the account number to identify a single one of a plurality of remittance centers of the payee, and (iv) directing the payment and altered account number to the identified single remittance center. The present claims 1-20 lack any recitation of and hence do not require the aforementioned combination of features. Accordingly, the present application and claim 24 of the '047 application are directed to different inventions.

Claims 1, 6, 11 and 16 stand rejected under 35 USC §103(a) as obvious over Tillery et al. (U.S. Patent No. 5,197,094). Claims 2-3, 7-8, 12-13 and 17-18 stand rejected under 35 USC § 103(a) as obvious over Tillery et al. in view of Ett (U.S. Patent No. 5,298,731). Claims 4, 9, 14, and 19 stand rejected under 35 USC § 103(a) as obvious over Tillery in view of Ett, and in further view of an Official Notice. Claims 5, 10, 15 and 20 stand rejected under 35 USC § 103(a) as obvious over Tillery in view of Ett, and in further view of G. Tracey (United Kingdom

Patent No. GB2283588A). The rejections are respectfully traversed.

The arguments presented in the remarks submitted with the Amendment filed on November 30, 1999, addressing identical rejections are reasserted herein by reference in their entirety.

In the Examiner's response to the arguments presented in the Amendment filed on November 30, 1999, the Examiner, as understood, contends that the present claims are not explicitly directed to payment processing. However, the claim 1 explicitly requires "directing payment", claim 6 requires "generating a signal directing payment", claim 11 recites causing a computer to "generate a signal to direct payment", and claim 16 requires a second network station "directing payment". Hence, each of the independent claims is explicitly directed to payment processing not bill processing.

The specifics as to how the actual payment is to be remitted is irrelevant to the invention recited in the independent claims and to the patentability of these claims. It could be by electronic fund transfer or by printed check or by some other form of payment vehicle. Further, how debit processing is performed is also irrelevant to the invention recited in the independent claims and to the patentability of these claims. What is important is that payments to an individual payee having multiple remittance centers be directed to the proper remittance centers in an efficient manner, and this is what is provided by the invention recited in each of the independent claims. The primary Tillery reference relied upon by the examiner discloses only bill processing and lacks any disclosure of payment processing.

The Examiner further contends that Tillery would inherently include the ability to have additional remittance centers.

First, it is respectfully submitted that Examiner's position in this regard is purely speculative and at best is an attempt at an improper hindsight reconstruction of the invention based on the present application disclosure. Further, the issue is not whether there are a plurality of remittance centers (which it is respectfully submitted is not suggested by Tillery) but whether there are a plurality of remittance centers associated with a payee, an appropriate one of the plurality of remittance centers is selected or identified by the processing an account number, and payment is directed to such a selected or identified remittance center.

It is further respectfully submitted that more than a simple request for evidence in support of the Official Notice was presented and the burden now rest on the Examiner to produce such support. In any event, the Examiner's clarification that the Examiner views account numbers and zip code type data as equivalent to identification data which can be used to target, index or route information is appreciated. However, even if this were true, it would not meet the limitations of the relevant claim language. More particularly, each of independent claims 1, 6, 11 and 16 requires that an account number be processed to select or identify one of a plurality of remittance centers, and such processing is neither taught nor suggested within the applied art or by that which the Examiner takes Official Notice of.

The Examiner further contends that the applied secondary Ett reference is used to teach the generation of zip code type data and is therefore analogous art. For the reasons detailed in the prior response referenced above, it is again respectfully submitted that Ett is neither in the field of the present application, nor is it reasonably pertinent to the particular

problem with which the present application is concerned, and consequently fails to qualify as prior art under MPEP §2141.01(a). Further, even if Ett were properly considered to be prior art, it remains unclear, and the Examiner has provided no insight into, how Ett could be combined with the base Tillery reference, or what would motivate one skilled in the applicable art to attempt such a combination.

The Examiner also asserts that the applied Tillery, Ett and Official Notice combination discloses accessing a database for account type data and this is equivalent to processing payment information to produce a zip code which is used to access such data. It is respectfully submitted that the Examiner's position simply ignores explicitly required features of the relevant claims.

Finally, the Examiner argues that, because details as to how the updates or alteration rules are performed or utilized are not included in the claimed limitations, Tracey somehow suggests the recited updating and alteration rules. The Examiner's position is not understood. First, one can only ask why the inclusion or exclusion of the referred to details are relevant to the Examiner's conclusion. Further, the Examiner appears to acknowledge that Tracey does not disclose updates to database type information. It is respectfully submitted that the Examiner's position is entirely unsupported.

Claims 1-20 now also stand rejected under 35 USC §102(b) as anticipated by Chasek (U.S. Patent No. 5,420,405). The rejection is respectfully traversed.

The Examiner points to Figures 3C-6, column 1, lines 41-51; column 3, line 15, through column 4, line 41; column 5, lines 28-46; and column 7, line 10, through column 8, line 33; as disclosing all features recited in the claims.

Chasek discloses an electronic money system in which an individual mobile personal terminal can be used to conduct transactions with vendor terminals.

Contrary to the Examiner's contention, it is respectfully submitted that Chasek lacks any disclosure of a payee having a plurality of payment remittance centers or of processing an account number to select or identify one of these remittance centers for payment. More particularly, the Examiner argues that the vendor account custodian (VAC) is equivalent to remittance centers. However, as disclosed by Chasek in column 3, lines 15-41, each vendor has only one VAC 103. Hence, Chasek lacks any teaching, or for that matter suggestion, of the required plurality of payment remittance centers associated with a single payee of independent claims 1, 6, 11 and 16.

The Examiner further argues that directing payment to a single remittance center is taught by Chasek's determination of the actual vendor of a service or product. The Examiner's position is unclear. If the determined vendor were to have a plurality of payment remittance centers (which is contrary to Chasek's disclosure), how could the Chasek's determination of the actual vendor of a service or product alone allow one to direct payment to the appropriate one of the plurality of payment remittance centers. Determining who the vendor is is a different problem than determining which one of multiple remittance centers of that vendor a payment to that vendor should be directed to. Accordingly, Chasek's determination of the vendor is not, in any way, equivalent to the required directing of payment to a single one of multiple remittance centers of a payee. Once again, it is respectfully submitted that Chasek lacks any teaching or suggestion that one of multiple remittance centers associated with a particular vendor

be selected or identified, and hence necessarily also lacks any disclosure of a payment being directed to such a selected or identified single remittance center as required by independent claims 1, 6, 11 and 16.

The Examiner further argues that Chasek teaches processing an account number to identify information of the account number which corresponds to a remittance center. However, Chasek's VAC (which the Examiner equates to a remittance center) is not one of a plurality of remittance centers of a single payee (e.g. a single vendor). Rather, Chasek expressly discloses that each vendor is associated with only a single VAC. Hence, Chasek has no need to process an account number to select or identify one of a plurality of remittance centers associated with one payee (e.g. vendor) as required by independent claims 1, 6, 11 and 16, and accordingly lacks any disclosure thereof.

The Examiner asserts that Chasek inherently teaches account number characters which identify a single remittance center. However, Chasek teaches only a single VAC for each vendor and fails to in any way suggest that a payee could have multiple remittance centers. Hence, Chasek has no need to make a selection or identify one of multiple remittance centers and accordingly lacks any need for or disclosure of identifying or selecting such a single remittance center based on account number characters as required which identify a single remittance center as required by claims 3, 8, 13 and 18.

The Examiner's reliance on text in columns 7 and 8, for disclosing the processing of information to produce a zip code and accessing payee records in a database corresponding to the zip code, is not understood. The referenced text lacks any suggestion of such processing of received information to generate a zip code that should be or could be used to access a

database record. Accordingly, Chasek lacks any disclosure of the processing of payment information to produce a zip code and the accessing of a database to locate records corresponding to the produced zip code as required by claims 4, 9, 14 and 19.

The Examiner argues that re-programmable devices such as PROMs and EEPROMs correspond to stored alteration rules relating to the format in which the payee is to receive an account number and can be used to transform a received account number into an altered account number according to the alteration rules, but fails to provide any rationale whatsoever for these conclusions. Accordingly, the Examiner's position is not understood. Further, it is respectfully submitted that Chasek lacks any teaching or suggestion of storing alteration rules indicative of a format in which a payee expects to receive an account number and transforming an account number into an altered account number according to such rules as required by claim 5, or of verifying an account number according to validation rules and altering an account number according to alteration rules as required by claim 10, or transforming an account number into an altered account number according to alteration rules as required by claim 15, or storing alteration rules indicative of a format in which a payee expects to receive an account number and transforming an account number into an altered account number according to such rules as required by claim 20.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage

of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-0429 and please credit any excess fees to such deposit account.

Respectfully submitted,
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